

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.1:05-cv-10606-WGY

SHERYL SATTERTHWAITE, as Executrix)
of the Estate of DENNIS SATTERTHWAITE,)
Plaintiff)
vs.)
UNITED STATES OF AMERICA,)
UHS OF WESTWOOD PEMBROKE, INC.,)
ARTHUR PAPAS, and,)
CATHERINE SULLIVAN, R.N.C.,)
Defendants)

DEFENDANTS UHS OF WESTWOOD PEMBROKE, INC., AND CATHERINE SULLIVAN,
R.N.C., MOTION TO OBTAIN DENNIS SATTERTHWAITE'S EMPLOYEE ASSISTANCE
PROGRAM RECORDS FROM MAGELLAN BEHAVIORAL HEALTH

The Defendants, UHS of Westwood Pembroke, Inc., and Catherine Sullivan, respectfully request that this Honorable Court Order Magellan Behavioral Health to produce copies of documents regarding Dennis Satterthwaite's treatment with the United States Postal Service Employee Assistance Program from May 23, 2002 through May 30, 2002, to their attorneys. A proposed Order is attached to this Motion for the Court's convenience. In support of this Motion, the Defendants state the following:

1. This is a wrongful death case in which the Plaintiff, Sheryl Satterthwaite, as Executrix of the Estate of Dennis Satterthwaite, claims that the Defendants provided negligent care and treatment to her husband, Dennis Satterthwaite, with respect to his depression, and that their negligence caused Mr. Satterthwaite to commit suicide on May 30, 2002.

2. The Defendants had previously filed with this Court a Motion to obtain Mr. Satterthwaite's records from the United States Postal Service, including records from the Employee Assistance Program. This Court (Young, J.) allowed that Motion on March 1, 2007. A copy of a clarified Order, consistent with Judge Young's allowance, for USPS records was submitted electronically to the Court on March 29, 2007, and this Court (Young, J.) executed this Order on or about March 30, 2007.

3. On or about April 30, 2007, counsel for the Defendants received correspondence from Debra Cohen at the United States Postal Service, advising that a copy of the Court Order was submitted to the Employee Assistance Program's office, and that they would directly respond to the Order. See Exhibit A.

4. On May 3, 2007, Ms. Cohen called defense counsel and informed them that she had been advised by personnel at the Employee Assistance Program that they would not respond to the Court's Order, as it was not specifically addressed to them. Ms. Cohen identified that the Employee Assistance Program Vendor was Magellan Behavioral Health. See Affidavit of Amy J. DeLisa, attached as Exhibit B.

5. A copy of a corrected Court Order, addressed to Magellan Behavioral Health and seeking the same information as this Court's March 30, 2007 Order, is enclosed.

Wherefore, the Defendants, UHS of Westwood Pembroke, Inc., and Catherine Sullivan, R.N.C., respectfully request that this Honorable Court Order Magellan Behavioral Health to produce records regarding Dennis Satterthwaite's treatment with the United States Postal Service Employee Assistance Program from May 23, 2002 through May 30, 2002, to their attorneys. The Defendants agree to provide copies of any records they receive in response to this Order to all counsel.

/s/ Amy J. DeLisa

JANET J. BOBIT, BBO# 550152
AMY J. DeLISA, BBO# 645004
Attorneys for Defendants,
UHS of Westwood Pembroke, Inc.,
and Catherine Sullivan, R.N.C.
HUNTER & BOBIT, P.C.
83 Atlantic Avenue
Boston, MA 02110
(617) 371-1440

DATED: May 4, 2007

LOCAL SERVICES

UNITED STATES
POST/JLSERI/K'E

April 27, 2007

Amy J. DeLisa
Hunter & Bobit, P.C.
83 Atlantic Ave
Boston MA 02110

Sheryl Satterthwaite, as Executrix of the
Estate of Dennis Satterthwaite, Plaintiff
vs.
United States of America
UHS of Westwood Pembroke, Inc
Arthur Papas and
Catherine Sullivan, R.N.C., Defendants

Dear Ms. DeLisa:

The enclosed information is in response to the court order that you mailed to our office with your letter dated April 3, 2007.

The court order contained three separate requests:

1. Any and all records regarding Dennis Satterthwaite's work attendance from May 23, 2002 through May 30, 2002.
2. Any and all records regarding any discipline and/or warnings Dennis Satterthwaite received from May 23, 2002 through May 30, 2002.
3. Any and all records regarding Dennis Satterthwaite's treatment with the United States Postal Service Employee Assistance Program from May 23, 2002 through May 30, 2002.

The U.S. Postal Service maintains employee attendance records according to our National Retention Period Policies. Whereas the year of 2002 is beyond the required four year retention period, these records are no longer available and have been purged from our systems.

An inquiry to our Labor Relations department and the Maintenance department where Mr. Satterthwaite worked, found that no discipline or warnings were recorded as being issued to Mr. Satterthwaite.

A copy of your letter and the court order were handed to Jesus M. Vega, Contractor Human Resources - EAP Office, on April 18, 2007. The EAP office will respond to your request directly.

By my signature below, I can attest to the validity of these documents. They are maintained in the normal order of business for all Postal Service employees. Please contact me with any questions and thank you for your patience.

Yours truly,



Debra I. Cohen
Human Resources Specialist (A)
617-654-5549

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 1:05-cv-10606-WGY

SHERYL SATTERTHWAITE, as Executrix)
of the Estate of DENNIS SATTERTHWAITE,)
Plaintiff)
vs.)
UNITED STATES OF AMERICA,)
UHS OF WESTWOOD PEMBROKE, INC.,)
ARTHUR PAPAS, and,)
CATHERINE SULLIVAN, R.N.C.,)
Defendants)

AFFIDAVIT OF AMY J. DeLISA IN SUPPORT OF DEFENDANTS UHS OF WESTWOOD
PEMBROKE, INC., AND CATHERINE SULLIVAN, R.N.C.'S MOTION TO OBTAIN
DENNIS SATTERTHWAITE'S EMPLOYEE ASSISTANCE PROGRAM RECORDS FROM
MAGELLAN BEHAVIORAL HEALTH

1. I, Amy J. DeLisa, am an attorney licensed in the Commonwealth of Massachusetts and an associate of Hunter & Bobit, P.C., which has been retained to represent the Defendants, UHS of Westwood Pembroke, Inc., and Catherine Sullivan, R.N.C.

2. On May 3, 2007, Debra Cohen of the United States Postal Service called me. She told me that she had been advised by personnel at the Employee Assistance Program that they would not report to the Court's Order requesting their records regarding Dennis Satterthwaite, as it was not specifically addressed to them. Ms. Cohen informed me that the Employee Assistance Program Vendor was Magellan Behavioral Health.

Signed under the pains and penalties of perjury this 4th day of May, 2007.

/s/ Amy J. DeLisa
Amy J. DeLisa

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 1:05-cv-10606-WGY

SHERYL SATTERTHWAITE, as Executrix)
of the Estate of DENNIS SATTERTHWAITE,)
Plaintiff)
vs.)
UNITED STATES OF AMERICA,)
UHS of WESTWOOD PEMBROKE, INC.,)
ARTHUR PAPPAS, and,)
CATHERINE SULLIVAN,)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that this **DEFENDANTS UHS OF WESTWOOD PEMBROKE, INC., AND CATHERINE SULLIVAN, R.N.C.'S MOTION TO OBTAIN DENNIS SATTERTHWAITE'S EMPLOYEE ASSISTANCE PROGRAM RECORDS FROM MAGELLAN BEHAVIORAL HEALTH; AND, AFFIDAVIT OF AMY J. DeLISA IN SUPPORT OF DEFENDANTS UHS OF WESTWOOD PEMBROKE, INC., AND CATHERINE SULLIVAN, R.N.C.'S MOTION TO OBTAIN DENNIS SATTERTHWAITE'S EMPLOYEE ASSISTANCE PROGRAM RECORDS FROM MAGELLAN BEHAVIORAL HEALTH** filed through ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on *.

/s/ Amy J. DeLisa

JANET J. BOBIT, BBO# 550152
AMY J. DeLISA, BBO# 645004
Attorneys for Defendants,
UHS of Westwood Pembroke, Inc.
and Catherine Sullivan
HUNTER & BOBIT, P.C.
83 Atlantic Avenue
Boston, MA 02110
(617) 371-1440

DATED: May 4, 2007